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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
BY _____ DEPUTY

Luis Ewing
c/o 34218 S.E. 22nd Way,
(City of) Washougal,
The State of Washington [98671-8793]

PETITION FOR REMOVAL

In re:

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA, WASHINGTON

Luis Anthony Ewing
Plaintiff/Petitioner

V.

Kevin Hull,
Thurman Lowans,
Jay B. Roof,
Peter Kay,
Paige Cummings,
Christine Inouye,
Kerry Stevens,

Nancy Tarbell,
Anne Montgomery,

Patrol Officer

SW Misner,

BILLIE Reed, Lyysk

VIRGINIA FAULKNER

Eugenio Coon

CHRISTINE L. JASCHINSKI

CHRISTINE E. WILSON,
STATE OF WASHINGTON

STATE OF WISCONSIN
Family Services

Family Services DHS C Amanda Johnson

Annanda Johnson
JOINLAND JAN

JOHN AND JANE DOES 1-100,
Individuals, Husband and Wife,

individually and
16-11 March

and/or all Marital or Community Property

CV12 6011 KLS
Cause No.

Cause No.

) PETITION FOR REMOVAL OF: Cause No. 12-5-
) 00202-1; 127003742; Cause No. 127003751 & Cause
) No. 127003769 TO THE UNITED STATES DISTRICT
) COURT FOR THE WESTERN DISTRICT OF THE
) STATE OF WASHINGTON AT TACOMA
) PURSUANT TO 28 U.S.C. § 1331, 28 U.S.C. § 1332,
) 28 U.S.C. § 1441 (a)(b), 28 U.S.C. § 1446, and/or 25
) U.S.C. § 1914 and under 18 U.S.C. § 1962

Summons issued

T-10315

1 PETITION FOR REMOVAL PURSUANT TO 28 U.S.C. § 1331, 28 U.S.C. § 1332,

2 28 U.S.C. § 1441 (a)(b), 28 U.S.C. § 1446, 25 U.S.C. § 1914 & 18 U.S.C. § 1962

3 TO: The Clerk of the United States District Court for the Western District of the State of

4 Washington at the City of Tacoma, and,

5 To all parties of record and their respective counsel;

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10 **NOTICE OF REMOVAL**

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12 COMES NOW, Luis Anthony Ewing by special appearance and not generally pursuant

13 RCW 4.28.210 and submits this "Notice of Removal" of Kitsap Superior Court Cause Cause No.

14 12-5-00202-1; 127003742; Cause No. 127003751 & Cause No. 127003769 to the United States

15 District Court for the Western District of Washington, at Tacoma. Please take notice that the

16 Plaintiff submits this Notice of Petition for Removal pursuant to the authority of 28 U.S.C. §

17 1331, 28 U.S.C. § 1332, 28 U.S.C. § 1441 (a)(b), 28 U.S.C. § 1446, 25 U.S.C. § 1914 & 18

18 U.S.C. § 1962.

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25 1. **Original State Court Action:** This civil action was commenced as

26 cause number Kitsap Superior Court Cause No. 12-5-00202-1; 127003742; Cause

1 No. 127003751 & Cause No. 127003769, filed in the Superior Court for the
2
3 State of Washington, in and for Kitsap, at Port Orchard.

4 2. Substantive Basis for Removal. Defendant bases this notice of removal
5 on 28 U.S.C. sections 1331 and 28 U.S.C. sections 1441, and under 18
6
7 U.S.C. section 1962. Diversity between the parties is alleged.
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10 Section 1441 of Title 28 provides that civil actions, brought in state court
11 based on claims arising under federal law over which the district courts of the
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13 United States have original jurisdiction, may be removed by the defendant to the
14 local district court. 28 U.S.C. sections 1441(a),(b). Section 1331 provides that the
15
16 district courts have original jurisdiction over all civil actions “arising under the
17 Constitution, laws or treaties of the United States.” 28 U.S.C. section 1331.
18
19 Removal jurisdiction based on a federal question is determined from the complaint
20 as it exists at the time of the removal. Libhart v. Santa Monica Dairy Co., 592
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22 **F.2d 1062, 1065 (9th Cir. 1979).** Removal is proper so long as the federal question
23
24 is substantial and identifiable. James v. Bellotti, 733 F.2d 989, 992 (1st Cir. 1984).
25
26 A defendant in state court thus has the right to remove a case to federal court in the
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1 district where the state court proceedings are pending if the case could have been
2 filed originally in federal court (i.e., on federal diversity or federal question
3 grounds). 28 U.S.C. section 1441(b). Where removal is properly effected, the
4 district court may exercise pendent jurisdiction over state law that “arise out of a
5 common nucleus of operative fact.” **United Mine Workers v. Gibbs**, 383 U.S.
6 715, 725, 86 S.Ct. 1130, 1138, 16 L.Ed.2d 218 (1966) (doctrine of pendent
7 jurisdiction permits district court to adjudicate factually related state claims).

8
9 This is a civil action over which this Court has original jurisdiction pursuant
10 to the provisions of 28 U.S.C. 1331. Plaintiff's Complaint explicitly states a
11 private civil RICO claim under 18 U.S.C. sections 1962(b) and (c). If sued upon
12 alone, a federal claim under RICO is removable as with a district court's original
13 jurisdiction. **Emrich v. Touch Ross & Co.**, 846 F.2d 1190, 1196 (9th Cir. 1998).
14 Plaintiff's state law claims are factually related. As such, this entire case may be
15 properly removed to this court. See Emrich, *supra*, 846 F.2d at 1196; **United**
16 **Mine Workers**, 383 U.S. at 725, 86 S.Ct. at 1138.
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1 3. **Procedural Requirements for Removal.** The procedural requirements
2 for removal have been met. See 28 U.S.C. section 1446. This notice
3 for removal is timely under 28 U.S.C. section 1446(b). Also filed
4 separately is a copy of a Notice of Removal filed by defendant in the
5 state court action later this day pursuant to 28 U.S.C. section 1446(d).
6
7 No other records or proceedings are filed with the state court. This
8 notice is certified by the undersigned representative of the defendant
9 pursuant to Fed. R.Civ. P.11 and 28 U.S.C. section 1446(a).
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16 4. Federal Question: Since the U.S. Constitution says that only Congress
17 can regulate Indian Tribes, does the State Court have the Legal
18 Authority to Regulate Indian Tribes?
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22 5.) Federal Question: Since Bureau of Indian Affairs, the U.S. Supreme
23 Court and many Federal Courts have already held that Only the Indian
24 Tribes themselves have the sole and exclusive jurisdiction to decide
25 who is or is not Indian and who is or is not eligible for membership in
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1 any particular Indian Tribe, does the State Court's have the Authority to
2
3 Deny the Indian Tribes own determinations or decisions in this regard?

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6.) Federal Question: Since the Kikiallus Indian Tribe has been specifically
7 recognized in the Pt. Elliot Treaty which is an Act of Congress and in
8 the Statutes at Large, does the State Court have the Authority to
9 Determine that the Kikiallus is NOT "eligible" to become a Federally
10
11 Recognized Indian Tribe?

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15 7.) Federal Question: Since the Kikiallus Indian Tribe is NOT currently
16 receiving benefits from the Secretary of Interior as a Federally
17
18 Recognized Indian Tribe, do the State Court's have the legal or
19
20 statutory authority to decide that the provisions of the INDIAN CHILD
21
22 WELFARE ACT are NOT applicable to a Non-Federally Recognized
23 Indian Tribe?

1 8.) Federal Question: Do the State Courts have the legal or statutory
2 Authority to Deny the benefits, privileges and protections of law to
3 Indian Children who are members of a Non-Federally Recognized
4 Indian Tribe without violating the Equal Protection of the Law
5 Provisions of the 14th Amendment of the United States Constitution?

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8 9.) Federal Question: Do the State Courts have the legal or statutory
10 Authority to Violate the Plaintiff Luis Ewing's Sixth Amendment Right
11 to the Assistance of Counsel by forcing him to either accept
12 "Representation" or to "represent" himself?

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15 16.) Federal Question: Is "Standby Assistance of Counsel" synonymous
17 with "Assistance of Counsel" and is "Representation" synonymous with
18 "Assistance of Counsel"?

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22 23.) Federal Question: Can the State Court "deem" that Luis Ewing has
24 waived his Right to "Assistance of Counsel" by appointing him
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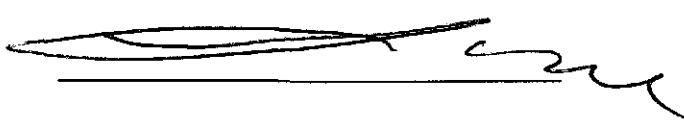
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1 “standby counsel” who is not actively “assisting” Luis Ewing, but
2 instead is just standing by and can the court “deem” that Luis Ewing
3 has waived his right to counsel when Luis Ewing has stated on the
4 record many times that he does not waive his rights to counsel and has
5 been forced to defend himself against his will because the State Court
6 refuses to allow him to have the “assistance of counsel” as envisioned
7 by the Sixth Amendment of the U.S. Constitution unless he accepts
8 “representation” in lieu of assistance of counsel?

14
15 WHEREFORE, this cause of action is hereby removed to the United States
16
17 District Court for the Western District of Washington, at Tacoma.

18 DATED this 28th day of November, 2012.
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22 Luis Anthony Ewing
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24 Plaintiff/Petitioner
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